

ITEM 8

Environmental Justice Framework Proposal

Information Item

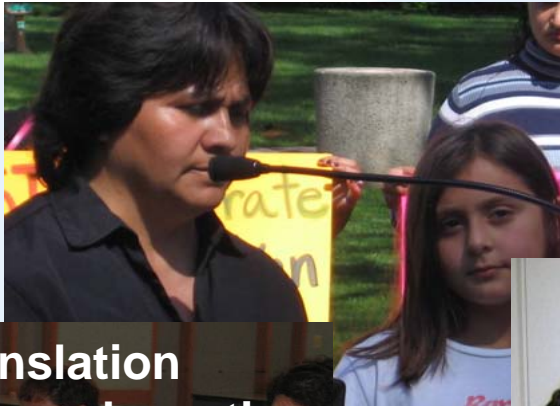
California Bay-Delta Authority

June 21, 2007

What is Environmental Justice?

- State law – “the fair treatment of people of all races, cultures, and income with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations and policies”
- Federal Executive Order – Each “agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies and activities on minority populations and low-income populations”

PROGAMMATIC NEEDS OF EJ COMMUNITY



- Access

Accommodate transportation and time constraints

Provide translation of materials and meetings



PROGAMMATIC NEEDS OF EJ COMMUNITY

- Capacity building
 - developing high level negotiation skills
 - Conflict resolution process/training
 - Education about CALFED issues and processes
 - Collaboration skills



PROGAMMATIC NEEDS OF EJ COMMUNITY

- Technical assistance

- Help with identifying issues
- Identify impacted communities
- Assess and redress disproportionate impacts



ROD commitments for EJ

- “...be responsible for ensuring this policy is carried out across all program areas through the development of environmental justice goals and objectives.”
- Committed to have a comprehensive EJ work plan by the end of December 2000.

Work Plan Commitments

- Development of EJ goals and objectives for each program area,
- Investments in staff and resources across program areas and agencies,
- Development and implementation of an environmental justice education program for agency and program staff,
- Collection and analysis of additional demographic information to assist in the identification of impacts, and
- Actions to ensure effective participation on technical and advisory workgroups by those populations adversely impacted

What's been done

- Environmental justice work plan presented to BDPAC in 2002.
- Not all implementing agencies have staff dedicated to environmental justice issues.
- With the US EPA, training program on environmental justice implementation was developed and offered
- Some demographic work started in conjunction with Watershed Program.
- Plan also called for development of EJ performance measures and development of an environmental justice impact assessment methodology and guidance for CALFED programs that could be incorporated into CEQA, NEPA, and Title VI compliance.

What's in the Framework?

- Assign or establish an Environmental Justice Coordinator and appropriate staff
- Transparent process for considering, developing and implementing policies, programs or activities
- Incorporate into the body of scientific knowledge relevant information provided by affected communities, and openly share with all impacted communities the data used as a basis for arriving at decisions, in plain English or common languages.
- Develop performance measures
- Encourage staff and management training
- Ensure that any new or existing public comments or complaints processes can address and resolve environmental justice issues

Consistent with Pending Legislation?

- SB 8 (Kuehl) would add environmental justice as a program element to the California Bay-Delta Authority Act
- Designates each implementing agency under the Act to be, both individually and collectively, the implementing agency for the environmental justice program

Recommendations from CBDA

- Makes it mandatory
- Adds in a process for:
 - (1) capacity building via an annual education program; and
 - (2) identifying EJ issues through social impact assessments conducted by the agencies.

Social Impact Assessment

- i. The composition of the affected community or population to determine whether minority or low income communities are present;
- ii. Relevant public health data or projects concerning the potential for cumulative exposure to health or environmental hazards;
- iii. Cultural, social, occupational, or economic factors that may amplify the effects of a proposed action;
- iv. Public participation strategies;
- v. Analysis of the environmental impacts on the affected community;
- vi. Community or tribal representation in the process

Outstanding Issues

- Why apply just to CALFED?
- Better achieved through a higher-level state policy, e.g. through the Legislature and/or the Administration?
- Need to mesh with federal requirements
- The CALFED refocused on the agencies in 05-06. Centralizing an environmental justice program through the proposed policy appears to run counter to this
- Social impact assessment not currently provided for in CEQA guidelines. Is it appropriate to add such requirements administratively?
- Instead of broad educational program, may be more effective to identify relevant communities on a project-by-project basis and provide specific technical context

Next Steps

- Conduct two workshops or focus groups of environmental justice community leaders to discuss the framework and solicit additional recommendations
- Recommendations brought back for discussion at the next BDPAC and Authority meetings (now scheduled for September and October respectively) for action

